



Federal Communications Commission
Washington, D.C. 20554

Control #
0500155

February 17, 2005

DOCKET FILE COPY ORIGINAL

The Honorable Paul S. Sarbanes
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Sarbanes:

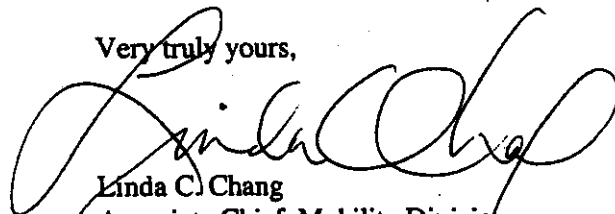
Thank you for your letter on behalf of your constituent, David Warshawsky. Mr. Warshawsky is concerned with recent proposals made by the Commission regarding the use of wireless telephones in airborne aircraft. Specifically, Mr. Warshawsky opposes action by the Commission that would permit such use.

On February 15, 2005, the Commission released a *Notice of Proposed Rulemaking (Notice)* in WT Docket No. 04-435 that proposes to relax the Commission's current ban on the use of 800 MHz cellular telephones in airborne aircraft, including airplanes. In 1991, the Commission adopted the current ban on the airborne use of cell phones out of concern that such use would interfere with terrestrial cellular networks. Since then, advances in technology appear to address the initial concerns of interference that warranted adoption of the ban. Consequently, the Commission believes that it may now be possible for the traveling public to use their cell phones while airborne without increasing the risk of interference to cellular systems on the ground.

Accordingly, in the *Notice*, the Commission proposes to relax the ban on the airborne use of cellular telephones so long as the phones are controlled by a "pico cell" installed onboard private or commercial aircraft that directs the handsets to operate at or near their lowest applicable power settings. It also seeks comment on the practicality of an industry-initiated solution that would enable use of airborne cellular units without the FCC having to mandate technical rules. Finally, the *Notice* seeks comment as to whether the Commission should allow licensees to provide 800 MHz cellular service to airborne wireless units on a secondary basis, subject to certain technical limitations that would ensure no interference to terrestrial operations. Publication of the *Notice* in the *Federal Register* is currently pending and we expect the comment period to begin in early spring of this year.

I hope that this information is helpful. Please contact me or Guy Benson, Mobility Division, Wireless Telecommunications Bureau, at 202-418-0620, if we can be of further assistance. Thank you for your interest in this matter. Your letter and this response will be placed in the record of this proceeding.

Very truly yours,


Linda C. Chang
Associate Chief, Mobility Division
Wireless Telecommunications Bureau

PAUL S. SARBANES
MARYLAND

309 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
202-224-4524

United States Senate
WASHINGTON, DC 20510-2002

January 18, 2005

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Ms. Diane Atkinson
Federal Communications Commission
Office of Legislative and Intergovernmental Affairs
445 12th Street S.W. Room 8-C453
Washington, D.C. 20554

Dear Ms. Atkinson:

Enclosed is a copy of correspondence I received from David Warshawsky. The letter raises some serious concerns about the Federal Communications Commission's proposal to modify its rule prohibiting the use of cellular telephones on airborne aircraft. I would certainly appreciate it if you would carefully review this matter and provide me with an appropriate response.

Your attention to this matter is greatly appreciated.

With best regards,

Sincerely,



Paul Sarbanes
United States Senator

PSS/sgz

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From: warsky@comcast.net
Date: 12/20/2004 6:04:02 AM
To: webmail@sarbanes-oxley.senate.gov
Subject: Cell Phones in airplane flight

The use of cell phones in airplane flight is the WORST ruling the FCC could make. Sitting in the waiting areas waiting to board my flight and having to listen to people 25 - 50 feet away discuss there business is very discourteous.

Under the proposed rule, while sitting in the confined area of the airplane, and having to listen to other peoples chatter at all noise levels makes me shutter.

David Warshawsky

Cc: Ben Cardin
Barbara Mikulski
Paul Sarbanes

==== Original Formatted Message Starts Here ====

Sender's IP address = 68.34.107.135

<APP>SCCMAIL

<PREFIX>Mr.</PREFIX>

<FIRST>David</FIRST>

<LAST>Warshawsky</LAST>

<ADDR1>1506 Berwick Rd</ADDR1>

<ADDR2></ADDR2>

<CITY>Baltimore </CITY>

<STATE>MD</STATE>

<ZIP>21204</ZIP>

<></>

<EMAIL>warsky@comcast.net</EMAIL>

<ISSUE>gen</ISSUE>

<MSG>The use of cell phones in airplane flight is the WORST ruling the FCC could make. Sitting in the waiting areas waiting to board my flight and having to listen to people 25 - 50 feet away discuss there business is very discourteous.

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David Warshawsky

Cc: Ben Cardin
Barbara Mikulski
Paul Sarbanes

</MSG>

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